

FACTSHEET

TITLE: **COMPREHENSIVE PLAN CONFORMANCE NO. 15008** - Declaration of Surplus Property (North 14th and North 15th Street between Claremont Street and Court Street)

BOARD/COMMITTEE: Planning Commission

APPLICANT: David Landis, Director of the Urban Development Department

RECOMMENDATION: A finding of conformance with the Comprehensive Plan (6-0: Corr, Hove, Cornelius, Harris, Sunderman, and Weber voting 'yes'; Scheer, Lust and Beecham absent)

STAFF RECOMMENDATION: A finding of conformance with the Comprehensive Plan

OTHER DEPARTMENTS AFFECTED: Urban Development

SPONSOR: Planning Department

OPPONENTS: None present at hearing.

REASON FOR LEGISLATION: To declare approximately 0.76 acres generally located at North 15th Street and Claremont Street as surplus property.

DISCUSSION / FINDINGS OF FACT:

1. The staff recommendation to find the proposed declaration of surplus property to be in conformance with the 2040 Comprehensive Plan is based upon the "Analysis" as set forth on p.3-4, concluding that these parcels of land are no longer needed by the City of Lincoln and could be put to a higher and better use as private property. The land is within the Salt Creek floodplain, so conservation easement will be retained with the deed for this property. Three parcels are within 300 feet of the railroad tracks and cannot be developed with new dwelling units. The declaration of surplus generally conforms with the Comprehensive Plan.
2. On August 5, 2015, this application appeared on the Consent Agenda of the Planning Commission. The Planning Commission agreed with the staff recommendation and voted 6-0 to find the proposed declaration of surplus property to be in conformance with the 2040 Comprehensive Plan.

FACTSHEET PREPARED BY: Geri Rorabaugh, Administrative Officer

DATE: August 10, 2015

REVIEWED BY: David R. Cary, Acting Director of Planning

DATE: August 10, 2015

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LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT

for August 5, 2015 PLANNING COMMISSION MEETING

PROJECT #: Comprehensive Plan Conformance No. 15008

PROPOSAL: To review as to conformance with the 2040 Lincoln-Lancaster County Comprehensive Plan, a proposal to declare seven vacant parcels of land as surplus property.

LOCATION: N. 15th Street and Claremont Street

LAND AREA: 0.76 acres, more or less

CONCLUSION: These parcels of land are no longer needed by the City of Lincoln and could be put to a higher and better use as private property. This land is within the Salt Creek floodplain, so a conservation easement will be retained with the deed for this property. Three parcels are within 300 feet of the railroad tracks and cannot be developed with new dwelling units. The declaration of surplus generally conforms with the Comprehensive Plan.

RECOMMENDATION: In conformance with the Comprehensive Plan.
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GENERAL INFORMATION:

LEGAL DESCRIPTION: Lot 2, Block 6, Antelope Valley 1st Addition, Lots 9 & 12, Block 3, Cottage Home Addition, and Lots 5, 6, 7, 8, 12 & 14, Block 1, Thomas Ryan's Subdivision, located in the SW 1/4 of Section 13-10-6, Lincoln, Lancaster County, Nebraska.

EXISTING ZONING: R-4 Residential

EXISTING LAND USE: Undeveloped

SURROUNDING LAND USE AND ZONING:

R-4 Residential zoning surrounds all properties with single family dwellings to the north, south, east and west. The parcels on the south near Claremont Street are across from I-1 zoning and industrial uses.

HISTORY:

These properties were rezoned from Two-Family Dwelling District to R-4 Residential District with the 1979 Zoning Update.

The City purchased these properties 1970's in conjunction with the Northeast Radial project.

COMPREHENSIVE PLAN SPECIFICATIONS:

P. 1.9 - This site is shown as Urban Density Residential and Public & Semi-Public on the Future Land Use Map.

P. 2.5 - The City of Lincoln and the University of Nebraska have undertaken several major efforts in the West Haymarket, Antelope Valley and Innovation Campus areas over the past decade that include and encourage

the development of residential infill and redevelopment projects.

P. 2.8 - Mixed use redevelopment, adaptive reuse and well-designed and appropriately-placed infill development, including residential, commercial and retail uses, are encouraged.

P. 4.4 - The community has also expressed its interest in good urban design through the Neighborhood Design Standards for infill development in older residential neighborhoods.

P. 4.8 - The project site is near the I-180 Primary Entryway Corridor.

P. 6.1 - The primary focus for new dwelling units is the “Greater Downtown” which includes Downtown proper, Antelope Valley, the Haymarket and Innovation Campus.

P. 7.10 - Detailed Strategies for Existing Neighborhoods.

Similar uses on the same block face

Similar housing types face each other: single family faces single family, change to different use at rear of lot

Redevelopment and infill should strive for compatibility with the character of the neighborhood and adjacent uses (i.e., parking at rear, similar setback, height and land use).

Encourage a mix of housing types all within one area

Encourage retention of single-family uses where appropriate in order to maintain mix of housing

Maintain existing pattern of streets for connectivity

Encourage alley access and shared driveways to parking areas in order to reduce interruptions to pedestrian traffic, to preserve on street parking capacity, and to reduce automobile conflict points

P. 10.18 - The BNSF railroad is shown near this site on the Existing Rail Lines Map.

ANTELOPE VALLEY REDEVELOPMENT PLAN SPECIFICATIONS:

P. 54 - This area is shown as Medium Density Neighborhood and Low Density Conservation District on the Future Land Use Map.

P. 55 - **Neighborhoods.** New construction will be invited and encouraged provided primary emphasis is given to the preservation of existing buildings. The design of such new space should enhance and contribute to the aesthetic character and function of the existing buildings and the surrounding neighborhood form.

ANALYSIS:

1. This is a request to find seven properties near N. 15th Street and Claremont Street as surplus. The properties were acquired in the 1970’s as part of the Northeast Radial Project. These properties are currently all undeveloped.
2. The City was approached by a potential buyer of 1525 and 1515 N. 15th Street. The buyer would like to develop the vacant properties with residential uses. City staff took inventory of the additional City-owned properties in this area and would like to declare five additional parcels as surplus as well.
3. All properties lie within the Salt Creek floodplain. A conservation easement will be required for all parcels at the time of deed transfer in order to retain flood storage capacity. All parcels will be subject to construction and floodplain standards such as elevating the floor of the structure 1 foot above flood elevation and constructing a flow-thru crawl space. The flow-thru crawl space would allow flood waters to pass

beneath the structure during a flood event and would not significantly impact the flood storage volume (see attached draft quick deed language).

- 4. The seven properties fall into three categories of redevelopment due to development constraints including the railroad tracks, the Salt Creek floodplain and the width of the existing lots. The three categories are as follows:

- A. Lots within 300 feet of the railroad (3 parcels on the south end of N. 15th Street): The Lincoln/Lancaster County Health Department recommends against any new habitable structures or additions since they are within 300 feet of the railroad and potentially hazardous materials. Accessory buildings are acceptable on these parcels if they meet the requirements for a conservation easement with a flow-thru crawl space.

- B. Lots over 300 feet from the railroad too narrow for dwellings (2 parcels on N. 14th Street): These lots are too narrow for new freestanding dwelling units. These lots would be sold to adjacent owners subject to the requirements for a conservation easement with a flow-thru crawl space.

- C. Lots over 300 feet from the railroad wide enough for dwellings (2 parcels on the north end of N. 15th Street): These lots are wide enough for a new dwelling unit. These lots would be sold to the highest bidder and would be subject to the requirements for a conservation easement with a flow-thru crawl space.

- 5. The City purchased these properties in the 1970's and has no reason to retain them. They are currently undeveloped and the City pays for mowing and snow removal. By declaring these properties surplus they will revert to private development and will be used for a higher and better use. Subject to the conditions for a conservation easement on all lots and prohibition of new dwellings on the southern parcels on N. 15th Street, this declaration of surplus is in conformance with the Comprehensive Plan.

Prepared by: Paul Barnes, Planner, 402-441-6372, pbarnes@lincoln.ne.gov

DATE: July 23, 2015

APPLICANT/OWNER: City of Lincoln
555 S. 10th Street, Suite 205
Lincoln, NE 68508

CONTACT: Steve Werthmann
Urban Development Department
555 S. 10th Street, Suite 295
Lincoln, NE 68508

COMPREHENSIVE PLAN CONFORMANCE NO. 15008

CONSENT AGENDA
PUBLIC HEARING & ADMINISTRATIVE ACTION
BEFORE PLANNING COMMISSION:

August 5, 2015

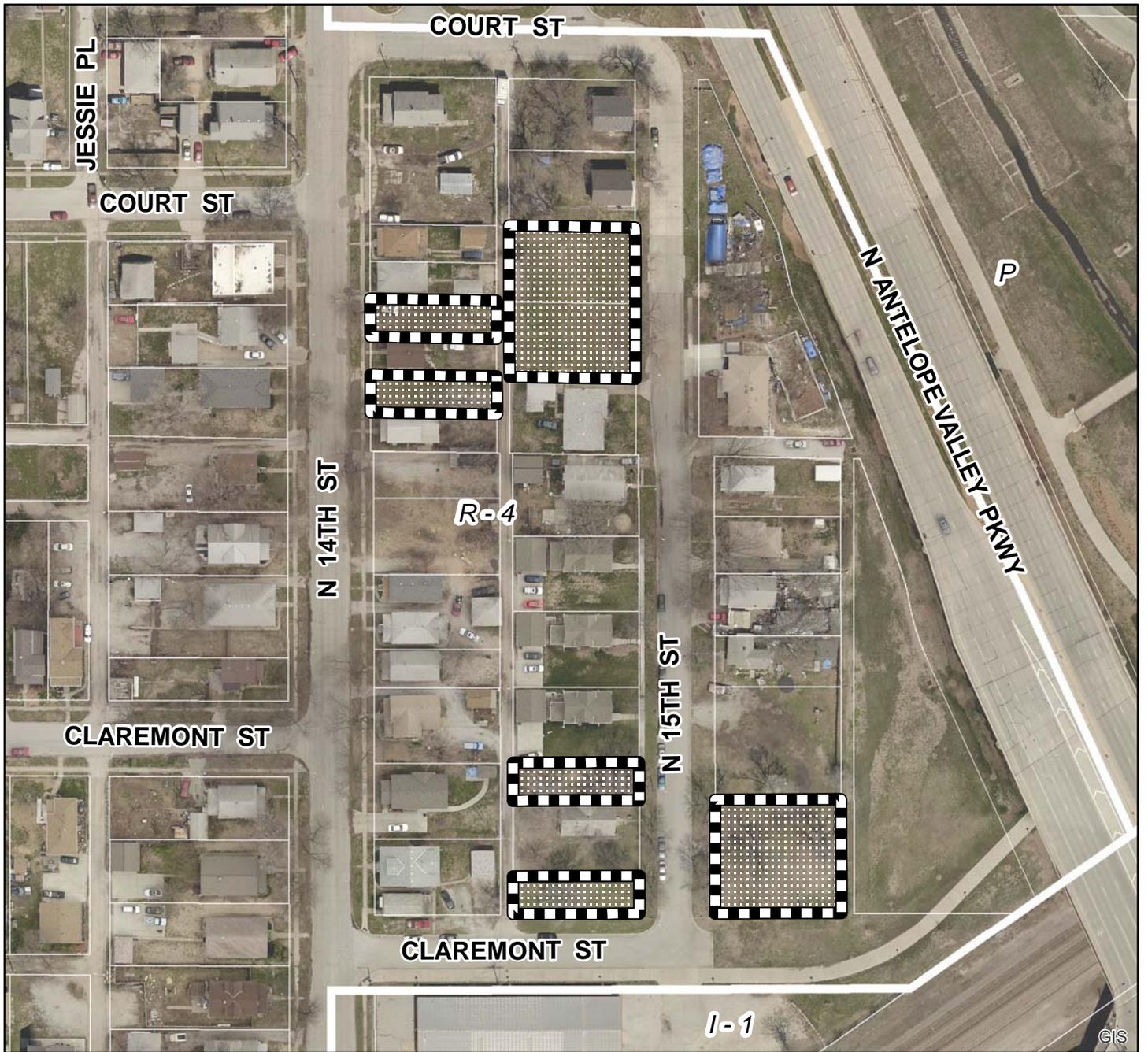
Rorabaugh noted that Commissioner Scheer declared a conflict of interest on **Item 1.2, Special Permit No. 15041**, and will therefore exit the chambers during the Consent Agenda action.

Members present: Corr, Cornelius, Harris, Hove, Sunderman, and Weber; Scheer (conflict of interest on Special Permit No. 15041), Lust and Beecham absent.

The Consent Agenda consisted of the following items: **COMPREHENSIVE PLAN CONFORMANCE NO. 15008, SPECIAL PERMIT NO. 15041, and SPECIAL PERMIT NO. 15042.**

There were no ex parte communications disclosed.

Cornelius moved to approve the Consent Agenda, seconded by Harris and carried 6-0: Scheer (conflict of interest on Special No. 15041), Lust and Beecham absent.



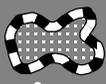
Comp Plan Conformance #: CPC15008
Surplus Property
N 15th & Claremont St

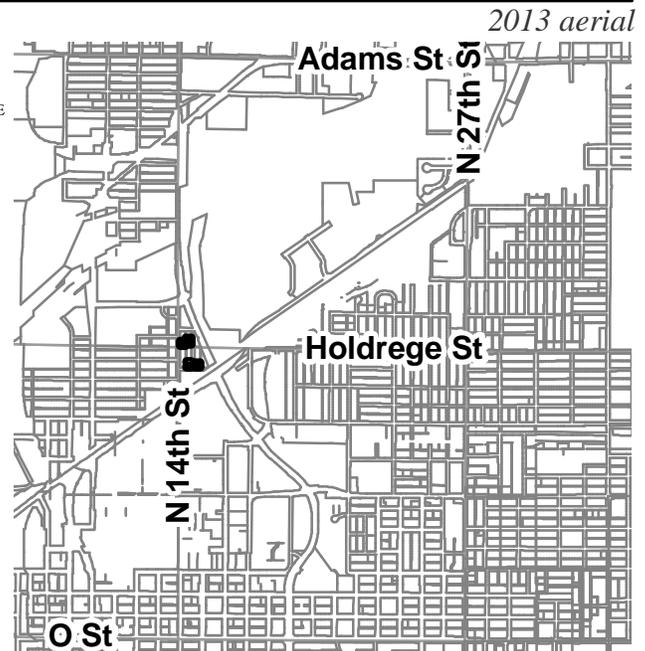
Zoning:

- R-1 to R-8 Residential District
- AG Agricultural District
- AGR Agricultural Residential District
- O-1 Office District
- O-2 Suburban Office District
- O-3 Office Park District
- R-T Residential Transition District
- B-1 Local Business District
- B-2 Planned Neighborhood Business District
- B-3 Commercial District
- B-4 Lincoln Center Business District
- B-5 Planned Regional Business District
- H-1 Interstate Commercial District
- H-2 Highway Business District
- H-3 Highway Commercial District
- H-4 General Commercial District
- I-1 Industrial District
- I-2 Industrial Park District
- I-3 Employment Center District
- P Public Use District

Two Square Miles:
 Sec.13 T10N R06E
 Sec.24 T10N R06E



	Area of Application
	Zoning Jurisdiction Lines
	Lancaster County Jurisdiction





**CITY OF LINCOLN
NEBRASKA**

MAYOR CHRIS BEUTLER
lincoln.ne.gov

Urban Development Department
David Landis, Director
555 S. 10th Street
Suite 205
Lincoln, Nebraska 68508
402-441-7606
fax: 402-441-8711

May 6, 2015

David Cary, Director
City of Lincoln-Lancaster County Planning Department
555 S. 10th Street
Lincoln, NE 68508

Dear David:

Enclosed is an application to declare surplus the City property located at 1515 and 1525 N. 15th Streets and other nearby lots. The City acquired these properties in the 70's in conjunction with the NE Radial project. This request is the result of inquiries from some parties interested in building residential housing on 1515 and 1525 N. 15th Streets. If possible, we would also like to sell the remaining lots and would like to put all of these lots through the surplus process at the same time. There has been no other opposition to the sale of the property by any other departments or public agencies other than the request to retain easements as noted in the attached responses.

Please forward the request to the Planning Commission for their earliest consideration for Comprehensive Plan conformance. My understanding is that the request should be on the June 10, 2015, agenda.

If you have questions or need additional information, please contact me at 441-7569 or at mbackemeyer@lincoln.ne.gov. Thank you.

Sincerely,

Michelle R. Backemeyer
Real Estate and Relocation
Assistance Agent

cc: Dave Landis, Director, Urban Development Dept.

Attachments

Draft Quick deed language for conservation easement with flow thru crawl space

June 2015 version

Grantor hereby further excepts and reserves in perpetuity to itself and on behalf of the public a conservation easement over the above describe premises to restrict the use of said premises to open space to protect and preserve the drainage way and natural floodplain values, include flood storage capacity, conveyance and functional integrity of said premises relative to the floodplain and to restrict development and future use of said premises that will significantly impair or interfere with the use of open space values of said premises. In order to accomplish the purpose of this conversation easement, the following practices and uses shall be prohibited in the easement area:

- (a) Construction or placement of fill material, cement, buildings, fences, signs, or any other structure;
- (b) Any other use or practice that would adversely impact the flood storage capacity.
- (c) Exception for the above is a structure with a flow through crawl space that meets city, state and federal floodplain standards. The structure will be subject to applicable floodplain insurance requirements and must have a minimum low floor elevation of 1 foot above the base flood elevation (two to three feet is recommended as this will lower the cost of flood insurance significantly).

The City shall have the right of reasonable ingress and egress to and from the easement area from public roads and streets and from adjacent properties for its employees, contractors, vehicles and equipment for the purpose of inspecting, maintaining, protecting, or enhancing the easement area as the City may deem necessary or desirable. The City will attempt to give reasonable notice to Owner prior to entering the property for the above purposes. This easement may be released by the City pursuant to the provisions of Neb. Rev. Stat. 76-2113.